

IN RE: AMENDMENT OF IDAHO)
ADMINISTRATIVE COURT) ORDER
RULES (I.C.A.R.) 45, 46a and 46b -)
CAMERAS IN THE COURTROOM)

The Court having reviewed a recommendation from the Media and the Courts Committee for amendments to the rules pertaining to the use of cameras in courtrooms, and the Court being fully informed;

NOW, THEREFORE, IT IS HEREBY ORDERED, that Rules 45, 46a and 46b of the Idaho Court Administrative Rules be amended as follows:

1. That Rule 45 be, and the same is hereby, amended to read as follows:

Rule 45. Cameras in the courtroom.

(a) “Audio/visual coverage,” as used in this rule, means broadcast, video, audio, and photographic coverage or recording of public proceedings before district and magistrate judges. Audio/visual coverage is authorized subject to the discretion of the presiding judge. The presiding judge maintains the right to limit audio/visual coverage or photography of any public hearing when the interests of the administration of justice requires. Authorization may be revoked at any time, without prior notice, when in the discretion of the court it appears that broadcast audio/visual coverage or still photographs of district or magistrate court proceedings are is interfering in any way with the proper administration of justice.

(b) The presiding judge may, at his or her discretion, limit, restrict, or prohibit ~~the taking of photographs or~~ audio/visual coverage at any proceeding. Any decision regarding ~~broadcasting, televising, recording, or photographing of proceedings~~ audio/visual coverage is not subject to appellate review.

(c) Audio/visual ~~C~~coverage of the following proceedings is prohibited:

- (1) There shall be no broadcast, video or audio coverage or recording of conferences which occur in a court facility between attorneys and their clients, between co-counsel of a client, or between counsel and the presiding judge held at the bench. There shall be no ~~still photography,~~

~~photographs, or television transmission~~ audio/visual coverage of notes upon the counsel table, nor of any exhibits before they are admitted into evidence. ~~There shall be no broadcast of verbal communications between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge.~~

(2) There shall be no ~~recording or transmission~~ audio/visual coverage of in-camera sessions or judicial deliberations.

(3) There shall be no ~~recordings or broadcast transmissions~~ audio/visual coverage of proceedings when they are closed to the public including adoptions, mental health proceedings, child protective act proceedings, termination of parent child relations, grand jury proceedings, issuance of arrest and search warrant proceedings covered by Rule 32, Idaho Administrative Rules, or a comparable rule when the proceeding may be closed to effectuate the purposes of the rule.

(d) The presiding judge may exclude ~~electronic media~~ audio/visual coverage and ~~prohibit still photography~~ of a particular participant or direct that the identity or audio of a participant be concealed upon a determination that such coverage will have a substantial adverse effect upon a particular individual. It is expected the presiding judge will exercise particular sensitivity to victims of crime.

(e) The administrative district judge shall promulgate rules governing audio/visual coverage outside the courtroom in courthouses within the judicial district.

(f) It is the responsibility of each broadcast news representative present at the beginning of each session of court to achieve an understanding with all other broadcast representatives as to who will function at any given time, or in the alternative, how they will pool their ~~photographic~~ coverage. This understanding shall be reached outside the courtroom and without imposition upon the presiding judge or court personnel. The presiding judge shall not be called upon to resolve any disputes except to determine that if the broadcast representatives cannot agree broadcast coverage will not take place.

(g) Approval ~~to broadcast or photograph a court proceeding~~ of audio/visual coverage must be obtained in advance from the presiding judge.

(h) If audio/visual coverage is authorized, rules governing the media shall be established at each judge's discretion. Audio/visual ~~C~~coverage may be authorized subject to the following guidelines:

(1) **Jury** -- Photographing or videotaping of the jury or jurors is prohibited, including during jury selection.

(2) **Light** -- Existing light only may be used for still photography or video coverage. Electronic flash or artificial lighting is prohibited.

(3) **Camera Noise** -- Camera noise and distractions shall be kept to a minimum.

(4) **Still Photography** -- ~~Manual film advance or quiet built-in winders shall be used in a manner that does not disrupt the court proceedings. The number of exposures shall be kept to a minimum. Fast random shooting of photographs is not permitted.~~ Electronic flash is prohibited. Photographers must use quiet camera equipment to minimize distraction from the judicial proceedings.

(5) **Video Coverage** -- No video or television camera shall give any indication of whether it is operating.

(6) **Audio** -- Any audio equipment shall be placed as determined by the presiding judge. There shall be no broadcast of confidential communications. If there is coverage by both radio and television, the microphones used shall serve each system without duplication.

(7) **Location** -- Media shall be in a position at least 15 minutes before court begins. Media positions shall not change while court is in session. The specific location or locations of media must be approved in advance by the presiding judge or designee.

(8) **Dress** -- Media representation shall present a neat appearance and conduct themselves in keeping with the dignity of the court proceedings as determined by the presiding judge.

(9) **Pooling of Video and Broadcast Coverage** -- Only one still photographer and one video and broadcast camera operator shall be permitted in the courtroom unless the presiding judge allows additional cameras. Any arrangements for pooling of video and broadcast coverage must be made by the media organizations.

(10) **Pooling of Still Photography** -- Only one still photographer shall be permitted in the courtroom unless the presiding judge allows additional still photography cameras. Any arrangements for pooling of still photography coverage must be made by the media organizations.

(11) **Sharing of Pool Photography, Video and Broadcast Coverage** -- If the presiding judge determines that only a pool photographer or video and broadcast camera operator shall be permitted in the courtroom, the pool photographer and video and broadcast camera operator shall share their images and audio recordings with all news organizations, either print or broadcast, that request them in a timely fashion.

(j) The public shall not be required to incur any expenses to accommodate cameras or other equipment covered by this rule. Any proposal by media representatives to modify existing facilities at media expense to accommodate use of equipment in the courtroom shall be submitted to the trial court administrator for the district. A final proposal shall be submitted to the administrative district judge for acceptance, modification or rejection. When planning courtroom construction or remodeling, consideration shall be given to accommodations that will provide broadcast and print media with reasonable access to court proceedings.

Request for Approval/ Judge's Proposed Order

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____)	
PLAINTIFF(S)	)	REQUEST TO OBTAIN
	)	APPROVAL TO
	)	VIDEO OR AUDIO
V.	)	RECORD OR
	)	BROADCAST A COURT
	)	PROCEEDING
_____)	
DEFENDANT(S))	

____ video record

_____ broadcast

the following court proceeding:

Case No.: _____
Date: _____
Time: _____
Location: _____
Presiding Judge: _____

I have read Rule 45 of the Idaho Court Administrative Rules regarding cameras in the courtroom, and will comply in all respects with the provisions of that rule, and will also make certain that all other persons from my organization participating in video or audio recording or broadcasting of the court proceedings have read Rule 45 of the Idaho Court Administrative Rules and will comply in all respects with the provisions of that rule.

Print Name

Signature

News Organization Represented

Date

ORDER

THE COURT, having considered the above Request for Approval under the Rule permitting cameras in trial courtrooms, hereby orders that permission to

___ video record

___ broadcast

the above hearing is:

[] Granted; under the following restrictions:

[] Denied.

This order pertains only to video recording and broadcast coverage of the proceeding and neither approves nor denies still photography of the proceeding. Application for still photography of the proceeding must be made separately.

DATED this _____ day of _____, _____.

District/Magistrate Judge

**Request for Approval/
Judge's Proposed Order**

Directions: Fill out the form below, and present both the signed Request for Approval and proposed Order to the presiding judge's office.

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

)	
PLAINTIFF(S))	
)	
)	
V.	)	REQUEST TO OBTAIN
	)	APPROVAL TO
	)	PHOTOGRAPH A COURT
	)	PROCEEDING
)	
)	
DEFENDANT(S))	

I hereby request approval to photograph the following court proceeding:

Case No.: _____

Date: _____

Time: _____

Location: _____

Presiding Judge: _____

I have read Rule 45 of the Idaho Court Administrative Rules regarding cameras in the courtroom, and will comply in all respects with the provisions of that rule, and will also make certain that all other persons from my organization participating in photography of the court proceedings have read Rule 45 of the Idaho Court Administrative Rules and will comply in all respects with the provisions of that rule. .

Print Name

Signature

News Organization Represented

Date

ORDER

THE COURT, having considered the above Request for Approval under the Rule permitting cameras in trial courtrooms, hereby orders that permission to photograph the above hearing is:

☐ Granted; under the following restrictions:

☐ Denied.

This order pertains only to still photography of the proceeding and neither approves nor denies broadcast coverage of the proceeding. Application for broadcast coverage of the proceeding must be made separately.

DATED this _____ day of _____, _____.

District/Magistrate Judge

2. That Rule 46(a) be, and the same is hereby, amended to read as follows:

Rule 46a. Cameras in the Supreme Court courtroom.

Media coverage of public hearings and appeals before the Supreme Court and Court of Appeals in the Supreme Court courtroom in Boise are subject to the following guidelines:

1. **Behavior.** Any media coverage must be designed so as to not interfere with the dignity of the proceedings, or to distract counsel or the Court.

2. **Dress.** Media representatives should present a neat appearance in keeping with the dignity of the proceedings.

3. **Recording.** Any recordings or broadcasts must originate from the audio system provided by the Court. No separate mikes will be allowed to be set up in the courtroom. The Court will provide a series of balanced line outlets for use with standard connections to connect to television cameras, radio broadcasting devices and recorders. In the event of demand greater than the outlets provided, media representatives will make pooling arrangements among themselves. No taping or recording of conversations between co-counsel or counsel and client is allowed.

4. **Authorization.** Authorization to access the press box overlooking the courtroom must be obtained from the Chief Justice of the Supreme Court or the Chief Judge of the Court of Appeals in advance of the hearing and will be limited to working media representatives and others approved by the Court. The Clerk of the Courts shall provide a chart of Justices and Judge seating to be posted in the press box.

5. **Equipment.** The use of an electronic flash with any camera is prohibited. No additional lighting will be allowed without approval of the Chief Justice of the Supreme Court or the Chief Judge of the Court of Appeals, and no camera should give audio or visual indication of whether it is or is not operating. Cameras may be set up and taken down in the press box overlooking the courtroom only so long as such actions do not distract from the judicial proceedings.

6. **Official Record of Proceeding.** The recording machine operated by the Clerk is the only official record of the appeal hearing, and no party shall cite in any court or administrative agency proceeding any other recording of the Supreme Court or Court of Appeals hearings.

7. **Movement In Courtroom.** Media representatives are allowed to cover the proceedings from the courtroom floor as long as they remain in the area reserved for the general public and as long as they do not excessively move around the courtroom or assume body positions inappropriate to a courtroom proceeding or otherwise distract from the appellate proceedings.

8. **Liaison.** The Administrative Director of the Courts and or the Clerk of the Supreme Court shall maintain communication and liaison with media representatives so as to ensure smooth working relationships and to provide any suggestions to improve these guidelines.

9. **Live Coverage of Court Proceedings.** Live coverage of any hearing or appeal may be restricted in the interests of the administration of justice.

10. **Not Applicable to Coverage or Broadcasting Outside of Supreme Court Courtroom.** This rule shall not apply to media coverage of judicial events or public activities outside the courtroom of the Supreme Court, including, but not limited to, the front steps or other public areas of the Supreme Court Building.

3. That Rule 46b be, and the same is hereby, amended to read as follows:

Rule 46b. Cameras in courtroom during terms of court outside of Boise.

Media coverage of proceedings in the Supreme Court and the Court of Appeals outside of the Supreme Court courtroom in Boise are subject to the following guidelines:

1. **Authorization.** Approval to broadcast or photograph a Supreme Court or Court of Appeals proceeding must be obtained in advance from the Chief Justice of the

Supreme Court or the Chief Judge of the Court of Appeals and will be limited to working media representatives and others approved by the Court.

2. **Behavior.** Media representatives are allowed to cover the proceedings as long as they remain in the area reserved for the general public, do not excessively move around the courtroom, or assume body positions inappropriate to a courtroom proceeding or otherwise distract from the appellate proceedings.

3. **Dress.** Media representatives should present a neat appearance in keeping with the dignity of the proceedings.

4. **Equipment.** The use of an electronic flash with any camera is prohibited. No additional lighting will be allowed without approval of the Chief Justice of the Supreme Court or the Chief Judge of the Court of Appeals and no camera should give audio or visual indication of whether it is or is not operating. Cameras must be set up and taken down at a time that will not distract from the judicial proceedings.

5. **Official Record of Proceeding.** The recording machine operated by the Clerk is the only official record of the appeal hearing, and no party shall cite in any court or administrative agency proceeding any other recording of the Supreme Court or Court of Appeals hearings. No taping or recording of conversations between co-counsel or counsel and client is allowed.

6. **Liaison.** The Clerk of the Supreme Court or Court of Appeals shall maintain communication and liaison with media representatives so as to ensure smooth working relationships and to provide any suggestions to improve these guidelines.

7. Not Applicable to Coverage or Broadcasting Outside of Supreme Court Courtroom. This rule shall not apply to media coverage of judicial events or public activities outside the courtroom used by the Supreme Court or Court of Appeals when hearing appeals outside of Boise. This shall include, but is not limited to, the front steps or other public areas of the courthouse or building where the Supreme Court or Court of Appeals are hearing appeals.

IT IS FURTHER ORDERED, that this order and these amendments shall be effective the 8th day of August, 2008.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Administrative Court Rules.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

DATED this 8th day of August, 2008.

By Order of the Supreme Court

_____/s/_____
Daniel T. Eismann
Chief Justice

ATTEST:_____/s/_____
Clerk